

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is a recipient of RUFA benefits and is enrolled in the Reach Up program. She is currently unable to work.
2. The petitioner is a high school graduate and has a two-year college degree. She has earned sixty-three credits toward a four-year bachelor degree.
3. In October 2000 the petitioner applied for the PSE program through Reach Up because she wanted to resume college in spring 2003 to begin completion of a four-year degree. The Department denied her application on December 6, 2002.

4. The petitioner does not dispute the Department's representations that applications for the PSE program exceed available funding, and that as a result the Department has denied PSE funding for all applicants who currently have earned more than twenty hours toward a four-year college degree.

ORDER

The Department's decision is affirmed.

REASONS

Section 2404B of the Department's Reach Up regulations regarding the PSE program provides as follows:

At the point where program funds are insufficient for all otherwise eligible applicants to participate, participation in the program shall be granted to applicants in the following order:

1. Special status applicants.
2. Applicants who have had no postsecondary education: within this category, recipients of Reach Up financial assistance shall receive priority over otherwise financially eligible applicants.
3. Applicants who have some postsecondary education, but who have not received their two-year or four-year postsecondary undergraduate degree: within this category, recipients of Reach Up financial assistance shall receive priority over otherwise financially eligible applicants.

4. Other applicants on a first-come, first-served basis based on their initial date of application.

The above regulation is clear that the Department prioritizes PSE funding toward those recipients who have had the least prior college training. The Department represents that for the Spring 2003 semester, it was able to cover all those recipients who fell into the first two paragraphs of the above priorities, but that funding was available only for those individuals in paragraph 3 who had obtained twenty college credits or less. As noted above, the petitioner already has a two-year college degree and has earned sixty-three credits toward a four-year degree.

It must be concluded that the Department has followed its regulations in denying the petitioner's PSE application at this time.¹ Therefore, the Board is bound to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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¹ The petitioner maintains that for future semesters she should be given priority because her application was denied for this semester. However, given the uncertain state of future funding for the PSE program, this claim is premature. The petitioner is free to reapply for PSE benefits and she can appeal any adverse decision at the time it is made.